

Remarks

Reconsideration of this Application is respectfully requested.

Claims 1-4, 7-11, and 14-30 are pending in the application, with claims 1, 8, 15, and 20 being the independent claims. Claims 6 and 13 are sought to be canceled without prejudice to or disclaimer of the subject matter therein. Claims 5 and 12 were previously canceled. Claims 1, 8, 15, and 20 are sought to be amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 1-4, 8-11, 15, 16, 20-22, and 26-28

In section 5 of the Office Action, the Examiner maintained the rejection of claims 1-4, 8-11, 15, 16, 20-22, and 26-28 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,459,703 B1 to Grimwood *et al.* (hereinafter "Grimwood") in view of U.S. Patent No. 4,926,420 to Shimizu (hereinafter "Shimizu"). Based on the following remarks, Applicants respectfully traverse this rejection.

Independent claim 1, as amended, recites:

wherein said assigning includes transmitting a first group message from said central controller to said first group of remote devices via a first multicast transmission and transmitting a second group message from said central controller to said second group of remote devices via a second multicast transmission.

In section 6 of the Office Action, the Examiner concedes that the combined teaching of Grimwood and Shimizu fail to teach transmitting group messages from the

central controller to the first and second groups of remote devices in accordance with multicast groups. Instead, the Examiner relies on Col. 5, line 42 - Col. 6, line 58 of Vogel to allegedly teach this feature.

Applicants assert that the Examiner fails to establish a *prima facie* case of obviousness for at least the reason that the Examiner fails to show where the prior art contains the alleged suggestion or motivation to combine Grimwood, Shimizu, and Vogel. To establish obviousness based on a combination of references, there must be some motivation, suggestion, or teaching of the desirability of making the specific combination that was made by the applicant. *In re Kotzab*, 55 U.S.P.Q.2d 1313, 1316 (Fed. Cir. 2000); M.P.E.P. § 2143.

Vogel describes the use of multicast messages to solve the problem of how to communicate with a subset of cable modems within a particular MAC domain that are transmitting on a particular upstream channel, not how to distinguish between a first group of one or more remote devices operating in accordance with a first protocol and a second group of one or more remote devices operating in accordance with a second protocol.

Furthermore, Grimwood describes establishing logical channels by **broadcasting** messages from a central modem to remote modems. *See, e.g.*, Grimwood, Col. 15, lines 59-65. **Broadcasting** messages from the central modem to the remote modems clearly teaches away from transmitting a first group message from said central controller to said first group of remote devices via a first **multicast** transmission and transmitting a second group message from said central controller to said second group of remote devices via a second **multicast** transmission, as set forth in Applicants' claim 1, as amended.

For at least these reasons, there is no suggestion or motivation to combine Grimwood, Shimizu, and Vogel, from the prior art, to achieve the subject matter of independent claim 1.

Independent claims 8, 15, and 20, all as amended, also distinguish over Grimwood, Shimizu and Vogel, alone or in any combination, for reasons similar to those set forth above with respect to independent claim 1, as amended, and further in view of their own respective features.

Furthermore, claims 2-4 and 26, which depend from independent claim 1, claims 9-11 and 27, which depend from independent claim 8, claims 16 and 28, which depend from independent claim 15, and claims 21 and 22, which depend from independent claim 20, also distinguish over Grimwood, Shimizu, and Vogel, alone or in any combination, for reasons similar to those set forth above with respect to independent claim 1, as amended, and further in view of their own respective features

Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-4, 8-11, 15, 16, 20-22, and 26-28.

Claims 6, 7, 13, 14, 17-19, 23-25, 29, and 30

In section 6 of the Office Action, the Examiner maintained the rejection of claims 6, 7, 13, 14, 17-19, 23-25, 29, and 30 under 35 U.S.C. § 103(a) as being unpatentable over Grimwood in view of Shimizu and further in view of U.S. Patent No. 6,751,230 to Vogel *et al.* (hereinafter "Vogel"). Based on the following remarks, Applicants respectfully traverse this rejection.

Claims 7, 14, 17-19, 23-25, 29, and 30 also distinguish over Grimwood, Shimizu, and Vogel, alone or in any combination, for reasons similar to those set forth above with

respect to independent claim 1, and further in view of their own respective features.

Thus, Applicants assert that claims 7, 14, 17-19, 23-25, 29, and 30 are patentable over Grimwood, Shimizu, and Vogel, alone or in any combination. Claims 6 and 13 have been canceled.

Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 6, 7, 13, 14, 17-19, 23-25, 29, and 30.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

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